

REMARKS

Claims 1-28 remain in this application. Applicant respectfully requests that the above-identified application be reconsidered in view of the following remarks.

35 U.S.C. § 102(e) Rejections

Claims 1, 2, 4, 6-10, 12, 14-17, 20-24, and 26-28 are Patentable Over the Prior Art

Claims 1, 2, 4, 6-10, 12, 14-17, 20-24, and 26-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 09/996,866 by Sanghani (US-2003/0101376 A1). This rejection is respectfully traversed.

The primary reference on which the pending rejections rely fails to qualify as prior art against the Applicant's claimed invention. As set forth in a Rule 1.131 declaration by the named inventor, concurrently filed herewith, the claimed invention was conceived prior to November 27, 2001 (*i.e.*, the priority filing of the Sanghani application), and the inventor exercised diligence from at least a time prior to that date in constructively reducing the claimed invention to practice. *See* Declaration Pursuant to 37 C.F.R. 1.131. Accordingly, the Sanghani application cannot support a rejection of the pending claims. The removal of the Sanghani patent as a prior art reference adequately traverses the pending rejection under 35 U.S.C. § 102(e) and withdrawal of the rejection is respectfully requested.

In view of the foregoing, the Applicant respectfully submits that claims 1, 2, 4, 6-10, 12, 14-17, 20-24, and 26-28 are patentably distinguishable over the prior art of record.

Accordingly, Applicant believes that claims 1, 2, 4, 6-10, 12, 14-17, 20-24, and 26-28 are allowable over the applied art and respectfully requests a notice of allowance to that effect be issued.

35 U.S.C. § 103 Rejections

Claims 3, 11, 18, and 25 are Patentable Over the Prior Art

Claims 3, 11, 18, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 09/996,866 by Sanghani (US-2003/0101376 A1) in view of U.S. Patent Application No. 09/894,007 by Fought et al.

The present application was filed after November 29, 1999. Therefore, 35 U.S.C. § 103(c) may be applied to this application. The undersigned confirms that the inventors named in the Fought reference have assigned their rights to the inventions contained in that application to Intel Corporation. The present application identifies a single inventor, John F. Zumkehr who, at the time of invention, was an Intel employee obligated to assign the invention to Intel Corporation. An assignment was executed on December 21, 2001 and recorded with the U.S. Patent and Trademark Office at Reel No. 012412; Frame No. 0300. Accordingly, at the time of invention, the present application and the Fought reference had been assigned and/or were under an obligation of assignment to the same organization. The Fought reference qualifies as prior art only under 35 U.S.C. § 102(e), and cannot be used in this case as a reference under 35 U.S.C. § 103(a). Accordingly, reconsideration and withdrawal of the rejection of claims 3, 11, 18, and 25 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 5, 13, and 19 are Patentable Over the Prior Art

Claims 5, 13, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 09/996,866 by Sanghani (US-2003/0101376 A1) in view of U.S. Patent No. 6,658,604 to Corbin et al. As described above, the Sanghani reference cannot properly be applied as prior art with respect to the present invention. The Corbin reference concerns only enhancements to DDR RAM that align a data strobe with a clock signal. Accordingly, the Corbin reference alone cannot support a rejection of pending claims 5, 13, and 19.

In view of the foregoing, the Applicant respectfully submits that claims 5, 13, and 19 are patentably distinguishable over the prior art of record.

Accordingly, Applicant believes that claims 5, 13, and 19 are allowable over the applied art and respectfully requests a notice of allowance to that effect be issued.

CONCLUSION

For all the above reasons, the Applicant respectfully submits that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

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By: Shawn W. O'Dowd
Shawn W. O'Dowd
Reg. No. 34,687

KENYON & KENYON
1500 K Street, NW
Suite 700
Washington, DC 20005
(202) 220-4200 telephone
(202) 220-4201 facsimile